

1 SONAL N. MEHTA (SBN 222086)
smehta@durietangri.com
2 JOSHUA H. LERNER (SBN 220755)
jlerner@durietangri.com
3 LAURA E. MILLER (SBN 271713)
lmiller@durietangri.com
4 CATHERINE Y KIM (SBN 308442)
ckim@durietangri.com
5 DURIE TANGRI LLP
217 Leidesdorff Street
6 San Francisco, CA 94111
Telephone: 415-362-6566
7 Facsimile: 415-236-6300
8 Attorneys for Defendant
Facebook, Inc.
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STUART G. GROSS (#251019)
sgross@grosskleinlaw.com
GROSS & KLEIN LLP
The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
t (415) 671-4628
f (415) 480-6688

David S. Godkin (admitted *pro hac vice*)
James E. Kruzer (admitted *pro hac vice*)
BIRNBAUM & GODKIN, LLP
280 Summer Street
Boston, MA 02210
(617) 307-6100
godkin@birnbaumgodkin.com
kruzer@birnbaumgodkin.com

10 Attorneys for Plaintiff,
11 SIX4THREE, LLC

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SAN MATEO

14 SIX4THREE, LLC, a Delaware limited) Case No. CIV 533328
liability company,)
15 Plaintiff,)
16 v.)
17 FACEBOOK, INC., a Delaware corporation;)
MARK ZUCKERBERG, an individual;)
CHRISTOPHER COX, an individual;)
JAVIER OLIVAN, an individual;)
SAMUEL LESSIN, an individual;)
MICHAEL VERNAL, an individual;)
ILYA SUKHAR, an individual; and)
DOES 1 through 50, inclusive,)
Defendants.)

18 FILING DATE: April 10, 2015
19 TRIAL DATE: April 25, 2019

20 FILED
21 SAN MATEO COUNTY

22 BCC 03 2018

23 Clerk of the Superior Court
24 By _____
25 DEPUTY CLERK
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27
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1 Plaintiff Six4Three, LLC and Defendant Facebook, Inc. (collectively, the "parties"), by
2 and through their attorneys of record, stipulate as follows:

3 WHEREAS, on November 30, 2018 (the "Nov. 30th Order"), the Court ordered that cloud
4 storage locations of Thomas Scaramellino and Ted Kramer be accessed and their contents
5 preserved via imaging by Eric Friedberg of Stroz Friedberg, or his agents (the "Forensic
6 Examiner");

7 WHEREAS, the parties disagree whether the scope of that imaging includes the contents
8 of the location titled "Six4Three(Counsel Share-NO CLIENTS)" on the cloud file storage system
9 of Gross & Klein LLP to which Mr. Scaramellino has access;

10 WHEREAS, the parties, however, agree that imaging the contents of the
11 Six4Three(Counsel Share-NO CLIENTS) location by the Forensic Examiner is appropriate; and

12 WHEREAS, Gross & Klein LLP would prefer that it work directly with the Forensic
13 Examiner to provide him the necessary access to achieve such imaging, in order to ensure that
14 Gross & Klein LLP's interest in preserving the integrity of its cloud file storage system is
15 protected and no appearance to the contrary be created;

16 WHEREAS, while the parties understand that the Forensic Examiner has been retained by
17 Facebook, and Facebook does not object to Gross & Klein LLP coordinating directly with the
18 Forensic Examiner, such coordination does not create any relationship, legal or otherwise,
19 between Gross & Klein LLP and the Forensic Examiner;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the parties that:

21 1. Gross & Klein LLP shall, within one (1) day of the date of the corresponding
22 Order by the Court, provide the Forensic Examiner with credentials that allow the Forensic
23 Examiner the ability to temporarily access the Six4Three(Counsel Share-NO CLIENTS) location
24 on the cloud file storage system of Gross & Klein LLP, so as to provide the Forensic Examiner
25 the ability to image the contents of that location;

26 2. The Forensic Examiner shall use all diligent efforts to image the contents of the
27 Six4Three(Counsel Share-NO CLIENTS) location as quickly as possible;

1 3. Immediately upon the completion of such imaging, the Forensic Examiner shall
2 notify Gross & Klein LLP and Durie Tangri, LLP;

3 4. Gross & Klein LLP, upon receipt of such notification, shall remove the Forensic
4 Examiner's access to the Six4Three(Counsel Share-NO CLIENTS) location;

5 5. The Forensic Examiner shall not seek to access the Six4Three(Counsel Share-NO
6 CLIENTS) location on the cloud file storage system of Gross & Klein LLP using the credentials
7 provided to him by Mr. Scaramellino;

8 6. Gross & Klein LLP shall immediately remove Mr. Scaramellino's access to the
9 Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross &
10 Klein LLP;

11 7. Pursuant to the Nov. 30th Order, the Forensic Examiner shall not disclose any data
12 preserved or collected from the Six4Three(Counsel Share-NO CLIENTS) location on the cloud
13 file storage system of Gross & Klein LLP until further order of the Court; and

14 8. Neither the provision of access to the Six4Three(Counsel Share-NO CLIENTS)
15 location on the cloud file storage system of Gross & Klein LLP to the Forensic Examiner nor the
16 Forensic Examiner's imaging of its contents affects any claim of privilege or protection
17 applicable to the data accessed or imaged.

18 IT IS SO STIPULATED.

19
20 DATED: December 3, 2018

DURIE TANGRI LLP

21
22 
By: _____
23 Sonal N. Mehta
24 Joshua H. Lerner
25 Laura E. Miller
26 Catherine Y. Kim

27
28 Attorneys for Defendant Facebook, Inc.

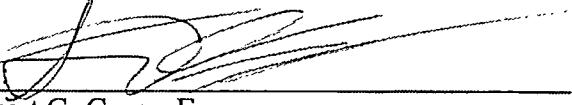
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GROSS & KLEIN LLP
THE EMBARCADERO
PIER 9, SUITE 100
SAN FRANCISCO, CA 94111

DATED: December 3, 2018

GROSS & KLEIN LLP

BIRNBAUM & GODKIN

By 

Stuart G. Gross, Esq.
David S. Godkin (admitted *pro hac vice*)
James E. Kruzer (admitted *pro hac vice*)
Attorneys for Plaintiff
Six4Three, LLC

ORDER

Based on the foregoing stipulation of parties, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. Gross & Klein LLP shall, within one (1) day of the date of this Order, provide the Forensic with credentials that allow the Forensic Examiner the ability to temporarily access the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP, so as to provide the Forensic Examiner the ability to image the contents of that location;

2. The Forensic Examiner shall use all diligent efforts to image the contents of the Six4Three(Counsel Share-NO CLIENTS) location as quickly as possible;

3. Immediately upon the completion of such imaging, the Forensic Examiner shall notify Gross & Klein LLP and Durie Tangri, LLP;

4. Gross & Klein LLP, upon receipt of such notification, shall remove the Forensic Examiner's access to the Six4Three(Counsel Share-NO CLIENTS) location;

5. The Forensic Examiner shall not seek to access the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP using the credentials provided to him by Mr. Scaramellino;

6. Gross & Klein LLP shall immediately remove Mr. Scaramellino's access to the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP;

7. Pursuant to this Court's November 30, 2018 Order, the Forensic Examiner shall not disclose any data preserved or collected from the Six4Three(Counsel Share-NO CLIENTS) location on the cloud file storage system of Gross & Klein LLP; and

8. No actions taken pursuant to this Order affects any claim of privilege or protection.

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1 IT IS SO ORDERED.

2 DATED: DEC 03 2018

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4 HONORABLE V. RAYMOND SWOPE
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SUPERIOR COURT JUDGE



GROSS & KLEIN LLP
THE EMBARCADERO
PIER 9, SUITE 100
SAN FRANCISCO, CA 94111